

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.590 OF 2006
IN
SUIT NO.498 OF 1995

The Sangli Bank Ltd. ..Plaintiffs

Vs.

Ambekar Roadways and Ors. ..Defendants

Mr.N.D.Yelkar for the plaintiffs

Mr.A.P.Rege for the defendant no.1 to 6

Mr.C.R.Bhogaonkar, 2nd Asst. to Court Receiver
present along with Mr.M.H.I.Patel, representative
of Court Receiver present

CORAM : S.U.KAMDAR, J
DATED : 24TH FEBRUARY, 2006

P.C.:

1. Motion made returnable forthwith.
2. The present motion is taken out for setting aside an ex-parte decree dt.9.6.05. As of today, the decreetal claim is of Rs.16,85,705.71. The learned counsel for the defendants states that he will deposit within a period of 8 weeks from today a sum of Rs.10.0 lacs in this court. If the said amount is deposited, the same to be invested in

Fixed Deposit by the Prothonotary and Senior Master, High Court, Mumbai initially for a period of one year and renew the same from time to time till further orders along with accrued interest.

3. If the amount is not so deposited, motion to stand dismissed and decree to stand confirmed. If the amount is deposited as directed above within 8 weeks and further if defendants makes payment of cost of Rs.10000 to the plaintiffs within 2 weeks from today, motion to stand absolute, decree dt.9.6.05 to set aside and suit to be heard on merits. In that event, defendants shall file written statement within 3 weeks from the date of deposit of the aforesaid amount. Motion disposed of accordingly. There shall be no order as to costs.